

Remarks

The claims now in the application are claims 1-6, 8, 10-11, 14 - 34 and 56-57. Claim 1 has been amended to recite only holocrine glands and also to recite the result obtained. Despite substantial verbal amendment, it is believed no other change in scope has occurred. Claim 3 has been amended to properly fall within the scope of claim 1 as amended.

Claims directed to muscular and transdermal injection have been deleted. Claim 56 has been rewritten to recite topical administration and new claim 57 has been added to recite intradermal administration. No additional fee is believed required as the number of independent claims does not exceed 3. Nevertheless, if applicant is in error, authorization to charge the deposit account of the undersigned, #02-1750 is hereby granted.

Applicant has carefully considered the issues raised by the examiner under 35 USC 112 and in view thereof has amended claims 1 and 3 to comply with the Examiner's points 1-6. Applicant traverses the issue of point 7. It is applicant's position that botulinum is a generic term and claims thus directed have been "added" (to preserve numbering sequence, by amendment of claims directed to cancelled subject matter). The toxin administered MUST contain any one of the alphabetically labeled botulinum toxins but MAY contain other toxins within the genus, hence the term "comprising" is justified in both meanings of the term.

Applicant traverses the applicability of Suskind et al as a basis of rejection under both 37 USC 102 (e) and/or 35 USC 103(a). There is no mention in this reference of reduction of excess secretion from the (sebaceous) holocrine gland, neither is there any suggestion that the application of botulinum toxin to treat acne is in any way related to the reduction of excess glandular secretion. Finally, applicant is not able to find any basis in the reference for the Examiner's postulate with respect to claims 45-47, 49 (now cancelled) and 56 (as amended).

Applicant has amended Claim 1 to remove mention of cerumen or mammary glands. Claim 3 has been amended to remove mention of cerumen, milk production and bacterial infections.

Applicant traverses the rejection of claims over the citation of Letessier. This author does not deal with reduction of fine wrinkling around the eyes, but rather with gross wrinkling due to the movement of underlying muscles. Paralysis of these muscles allows the skin to return

to a less wrinkled condition.. Letessier achieves his effect by inserting the needle to the bone level and withdrawing it to inject the muscles located above the bone. Per contra the present invention involves a physical change of the skin itself regardless of surrounding muscle movement or the presence of skin pores. This is achieved by either topical administration or intradermal administration which is neither disclosed nor suggested by Letessier. This difference is now clearly shown in amended claim 56 and new claim 57 as well as the cancellation of claims previously dependant on claim 56 as previously filed.

In view of the foregoing comments and amendments, prompt passage to issue of the application is respectfully solicited.

Respectfully submitted,



Olin M. Behr

Reg: 22940, Cust #:47375

The Behr Office
325 Pierson Avenue
Edison NJ 08837-3123
Ph: 732 603 6006
Fx: 732 494 6258
Email: bepat@prodigy.net